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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/689,877

10/20/2003

Dean P. Macri

42P17676

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04/24/2007

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EXAMINER

HASSAN, AURANGZEB

ART UNIT

PAPER NUMBER

2182

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|-----------|---------------|
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3 MONTHS

04/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/689,877

Applicant(s)

MACRI, DEAN P.

Examiner

Aurangzeb Hassan

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 8 recites the limitation "spaced apart from the apparatus" in line 3. An apparatus claim cannot contain itself furthermore there is insufficient antecedent basis for this limitation in the claim for "the apparatus" of line 3.

The Examiner will best interpret the claim to represent a remote video game program in another apparatus. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1 – 5, 7, 8 and 15 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hooper et al. (US Patent Number 5,671,225 hereinafter “Hooper”) in view of McMullan, Jr. et al. (US Patent Number 5,654,746 hereinafter “McMullan”).

6. As per claims 1, 8, and 16, Hooper teaches a method, apparatus and medium, comprising: receiving video information at a first apparatus (client, 10) from a remote video game program (game, column 4, lines 42 – 51) in a second apparatus that is remote and spaced apart (server, 200) from the first apparatus over a first bidirectional communication link (link 103, figure 1); directing the video information to a display device connected to the first apparatus (television connected to element 10, column 2, lines 11 – 13); receiving input information from a controller (controller, column 3, lines 7 – 8); and sending (via processor for claim 8, column 3, lines 1 – 5) the input information to the remote video game program over a second bidirectional communication link that is different than the first bidirectional communication link (column 4, lines 8 – 13).

Hooper does not explicitly disclose the remote control to be a game controller.

McMullan teaches receiving input information from a game controller (element 178b, figure 1, column 6, lines 11 – 20).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the remote controller of Hooper that controls the game with the game controller of McMullan. One of ordinary skill in the art would be motivated to make such modifications in order to have enhanced control of the video games (column 1, lines 52 – 62).

Examiner makes note that the location of the game controller, with respect to the method and medium for claims 1 and 16, according to the claim limitations is necessitated to be anywhere in the system, not just limited to the apparatus of claim 8.

7. As per claims 2 and 17, Hooper teaches decoding the video information before the directing (column 2, 63 – 67, column 3, 1 – 5).

8. As per claim 3, Hooper teaches a method wherein the sending the input information over a second communication link is performed concurrently with the receiving video information over a first communication link (figure 1 is an interactive service, where data is sent and received in a real time interactive manner, column 2, lines 63 – 67).

9. As per claims 4, 5 and 18, Hooper teaches a method and machine readable medium wherein the high-bandwidth information is video information (high-bandwidth 103, figure 1), and wherein the low-bandwidth information is control information (low-bandwidth 105, figure 2, column 3, lines 14 – 22).

10. Claims 6, 9 – 14 and 20 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hooper in view of McMullan further in view of Joyner et al. (US Publication Number 2003/0033555 hereinafter "Joyner").

11. Hooper modified by the teachings of McMullan as applied in claim 1 above, as per claims 6, 9 – 14 and 20, Hooper teaches a method and apparatus wherein the communication link can be wired or wireless (satellite, cable, optic-fiber, column 1, lines 56 – 65) and McMullan teaches a communication link can be wired or wireless (column 6, lines 11 – 27)

Hooper and McMullan utilize wired and wireless communication links however do not explicitly disclose the first and second communication links as wired or wireless.

Joyner discloses the capability of wired or wireless and as per claims 6, 9 – 14 and 20, teaches a method and apparatus wherein the first communication link includes a wired or wireless link and wherein the second communication link includes a wired or wireless link (paragraph [0062]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention modify the combination of Hooper and McMullan with the above teaches of Joyner. One would be motivated to make such modification in order to provide an improved data processing system architecture having reduced latency for transaction between physically remote devices (paragraph [0006]).

12. Hooper modified by the combination of McMullan and Joyner as applied in claim 6 above, as per claim 21, Hooper teaches media adapter (client 10, figure 1) comprising: a communication interface to receive video data (via high-bandwidth forward data path 104, figure 2) from a remote video game program resident in a device

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(server, 200, figure 1) remote and spaced apart from the media adapter (game, column 4, lines 42 – 51); a second communication interface to send real-time control data to the remote video game program (column 4, lines 8 – 13); a display interface to direct the video data to a display device (television connected to element 10, column 2, lines 11 – 13); and input interface to receive the real time control data for the video game program from a controller (controller, column 3, lines 7 – 8); and a processor arranged to direct the video data to the display interface and to direct the control data to the second communication interface (processor, column 3, lines 1 – 5).

Hooper does not explicitly disclose the remote control to be a game controller.

McMullan teaches a media adapter (177, figure 1), receive video data from a remote video game program resident in a device (100, figure 1) and receiving input information from a game controller (element 178b, figure 1, column 6, lines 11 – 20).

Hooper and McMullan utilize wired and wireless communication links however do not explicitly disclose the first and second communication links as wired or wireless.

Joyner discloses the capability of wired or wireless and as per claims 6, 9 – 14 and 20, teaches a method and apparatus wherein the first communication link includes a wired or wireless link and wherein the second communication link includes a wired or wireless link (paragraph [0062]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention modify the combination of Hooper and McMullan with the above teaches of Joyner. One would be motivated to make such modification for the same reasons cited in claim 6 above.

The Examiner makes note that the specification of the current application does not elaborate on how real-time is defined. Therefore the Examiner will best interpret real-time be defined as known to one of ordinary skill in the art as operations in which the machine's activities match the human perception of time or those in which computer operations proceed at the same rate as a physical or external process.

13. Hooper modified by the combination of McMullan and Joyner as applied in claim 21 above, as per claim 22, Hooper teaches a media adapter, wherein the processor is further arranged to direct the real time control data to the wired communication interface while directing the video data to the display device (figure 1 is an interactive service, where data is sent and received in a real time interactive manner, column 2, lines 63 – 67).

14. Hooper modified by the combination of McMullan and Joyner as applied in claim 21 above, as per claim 23, Hooper teaches a media adapter, wherein the processor is further arranged to decode the video data before directing it to the display interface (column 2, 63 – 67, column 3, 1 – 5).

15. Hooper modified by the combination of McMullan and Joyner as applied in claim 21 above, as per claim 24, McMullan teaches a media adapter, wherein the processor is further arranged to encode the real time control data before directing it to the wired



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communication interface (control data encoded according to proprietary algorithm in server, column 8, lines 23 – 41).

16. Hooper modified by the combination of McMullan and Joyner as applied in claim 21 above, as per claim 25, Hooper teaches a media adapter comprising another wireless communication interface to send video data to the remote video game program (high-bandwidth back data path 106, figure 2).

### ***Response to Arguments***

17. Applicant's arguments with respect to claim 1 – 25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aurangzeb Hassan whose telephone number is (571) 272-8625. The examiner can normally be reached on Monday - Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH



KIM HUYNH  
SUPERVISORY PATENT EXAMINER

4/16/07